

June 20, 2008

The Honorable Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: WT Docket Nos. 06-150, PS Docket No. 06-229

Chairman Martin,

The Virginia Fire Chiefs Association, Inc. (VFCA) is the advocate for leadership of emergency response organizations in the Commonwealth of Virginia. The VFCA provides a comprehensive and integrated statewide public safety effort, thereby enhancing the quality of life for our customers by reducing the effects of fire, medical, and environmental emergencies. We understand the needs of emergency response organizations and are acutely aware of the need for interoperability and for improving public safety communications.

The VFCA applauds the Commission for revisiting the rules surrounding the D Block in order to ensure the re-auction is a success. A successful re-auction of the 700MHz D Block is of important national significance. Collectively, we must get it right this time, as lives and first responders' personal safety depend on it.

The fire service and public safety personnel in the Commonwealth of Virginia and across the nation require access to the most advanced communications services that are available. Moreover, increased public safety and emergency response needs require access by public safety to the latest broadband technologies and services being developed for commercial network customers. The broadband communications needs of public safety have become more clear and compelling in recent years while the existing spectrum allocations to public safety have been well recognized as inadequate for those purposes.

As a nation, we need to make it a priority to provide our first responders with the most robust capabilities with which to protect life and property. Towards that end, the Commission supported public safety by crafting rules for Auction 73 that placed public safety first.

Despite the failure of the last auction to produce a D Block licensee, the Commission must resist the call to abandon this principle. To a certain extent, the Commission must do all that it can to ensure a successful D Block auction includes a public/private partnership as well as a funding source to enable public safety to realize the potential of a nationwide wireless broadband network.

It is critical that the FCC create or allow adequate funding mechanisms for the PSST to operate and carry out activities in service to public safety users of the shared network. If neither Congress nor the FCC can provide this funding, it should not deny the PSST the ability to fund itself using methods commonly in use by other non-profit entities. The FCC ought not to focus on how to limit the PSST, but rather should focus on how to provide the PSST funding required to make this network a success for public safety users.

The FCC must ensure an appropriate balance for the Public/Private partnership to make it viable for both the commercial carrier and for public safety. While it is necessary to revisit the rules in order to encourage bidders to participate in the next auction, the FCC should not promulgate rules that are greatly tilted in favor of either public safety or commercial interests. Such an approach would not enable public safety to achieve the next-generation broadband network that it needs and the financing through a public/private partnership to realize this objective. The Commission will best serve public safety and commercial interests by finding the appropriate balance between their respective needs. The following requirements must continue if the shared broadband network is to become an fundamental tool for first responders:

The PSST must have broad authority on crucial public safety matters such as incident management, D Block compliance, and promoting public safety usage.

Public safety must have the right of priority use and pre-emption on the network.

The FCC should reaffirm the PSST's authority to approve federal usage of the PSBL spectrum on a case by case basis.

The FCC should provide discretion for PSST assignment of priority access rights to critical infrastructure industry entities

(after all, that is who we have to contact to restore order during and/or after an incident).

The FCC should maintain the balance of Public/Private partnership interests in the context of user fees and lease fees.

The FCC should give the PSST discretion to define what constitutes an emergency for purposes of preemptive use of the SWBN, and

Network reliability and security must be greater than current commercial services.

There should be a single D Block license that would be the commercial partner. However, this could be either a single entity or consortia of entities that become the D Block licensee. This would put the D Block with the PSST's nationwide spectrum license, creating better efficiencies and ensuring a universal technology selection for the D Block, along with the guarantee that the network will be nationally built-out via a single plan.

On behalf of the VFCA, I urge the FCC to establish rules for the D Block re-auction which will continue to put public safety first. America's first responders and others directly involved with protecting our homeland deserve nothing less.

Respectfully,

A handwritten signature in black ink, appearing to be 'CLW', on a light gray rectangular background.

Charles L. Werner
Vice President
Virginia Fire Chiefs Association

Copies to: Secretary Marlene H. Dortch
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell